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DOJ FOR ICITAP, TREVILLIAN, RODERICK, BARR, AND BEINHART; DEPARTMENT
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TAGS: [PGOV](#) [PHUM](#) [KCRM](#) [KTIP](#) [KCRM](#) [KWMN](#) [SMIG](#) [ASEC](#) [UG](#)
SUBJECT: UGANDAN IGG'S AMBITIONS THREATEN ANTI-CORRUPTION FIGHT

11. (SBU) Summary: President Museveni granted Uganda's controversial Inspector General of Government (IGG), Faith Mwendha, another four-year term in office. Mwendha launched an all-out effort to keep her job, which included actions that jeopardized important corruption investigations. In the lead up to her contract renewal, Mwendha rushed cases to court without sufficient evidence, reportedly to get headlines to create the illusion she was doing a good job. Mwendha has largely been ineffective, refuses to report to Parliament, as mandated by the Constitution, and has created many enemies through her interventions and accusations. However, she has doggedly gone after the President's political enemies with corruption cases on his behalf. Alarming, Mwendha's incompetence, arrogance, and management style has seriously damaged the IGG as an institution and her re-appointment will likely lead to another exodus of staff. Despite her professions of independence, Mwendha can be expected to go after the regime's political opponents in advance of the 2011 elections, further damaging the credibility of the country's anti-corruption efforts. End Summary.

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BACKGROUND
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12. (SBU) IGG Faith Mwendha was appointed to her first four-year term in office in early 2005. Initially, she was viewed as a "crusader", incorruptible, and willing to stand up against high-level corruption. She maintains her office is independent and that she only answers to God and the President. Constitutionally, she should answer to Parliament, but over the past four years, she has refused to appear before Parliament's Legal and Parliamentary Affairs Committee, which has oversight over the IGG. After repeated failures to appear in Parliament, Peter Nyombi, the Committee Chair, went to the Speaker of Parliament, Edward Sekkandi, who told Nyombi that the IGG had "special protection" from the President so Parliament had to be careful in making demands on her to appear despite Parliament's oversight rights.

13. (SBU) Mwendha's claim of impartiality was called into question in the Global Alliance for Vaccines and Immunizations (GAVI) case. Mwendha's investigation was flawed and politicized, but gave Museveni enough grounds to arrest three former health officials for corruption in May 2007. The IGG's case was poorly prepared and had to be taken over by the Directorate of Public Prosecutions. The Constitutional Court found that the judge in the case, who is the IGG's cousin, could not be impartial and ordered the case moved to another judge. Another appeal is pending at the Constitutional Court. Should the case make it back to the magistrate's court, both President Museveni and the First Lady could themselves face perjury and corruption charges, largely the result of the IGG's poorly conducted investigation. As a result, it is more likely that the case will be settled politically, out of court with a soft landing for corrupt officials.

14. (SBU) There are questions surrounding the IGG's integrity and incorruptibility. Her manipulation of Public Service regulations to receive a higher salary is still being investigated. She refused to pay for incidental expenses during a stay in China that prompted a visit from the Chinese Ambassador in Kampala to collect payment for telephone calls, mini-bar, and room service bills. The Internal Security Organization (ISO) of the Presidency prepared a report containing this and other evidence of the IGG's personal corruption.

Mwondha's refusal to appear before Parliament resulted in the preparation of a report outlining questions about her performance and the constitutionality of some of her actions, particularly her interference in procurement processes at great cost to the government and Ugandan taxpayers.

DESPERATE TIMES, DESPERATE MEASURES

15. (SBU) Mwondha's poor performance and self-righteousness provoked talk about her contract renewal late last year. Seeking to solidify prospects for her reappointment, the IGG began pushing prosecutors to proceed in cases, even those which lacked sufficient evidence. Current and former IGG staff members report that this was a deliberate tactic to grab headlines in order to create the illusion she was being successful. However, senior IGG prosecutors tell us that the decision to push cases irrespective of the strength of the evidence has caused significant disagreement and turmoil within the office. These senior attorneys complain that the IGG is more interested in her reappointment for a second term than pursuing justice with cases that are ready for prosecution and likely to result in convictions.

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16. (SBU) In January 2009, the IGG ordered the prosecution of five suspects in corruption cases. Senior trial attorneys advised the IGG that they lacked sufficient evidence against four of the five suspects and recommended prosecution of only one with the other suspects remaining under investigation. The IGG ignored the legal analysis of the attorneys and ordered the prosecution of all five suspects. The court returned a verdict acquitting four and convicting one of the suspects, reflecting the analysis of the trial attorneys. The IGG then accused the trial attorneys of "throwing the case" to prove their point.

17. (SBU) The IGG's failure to follow sound legal analysis from trial attorneys in this case is not an isolated incident. Over the past few months, the IGG demanded immediate prosecutions of three individuals who were under investigation by her staff. Despite being informed that the investigations were not complete and needed additional evidence, the IGG ordered the cases to proceed. The IGG's insistence was motivated by her desire to use new prosecutions to bolster her reputation for aggressively pursuing public corruption cases. A senior trial attorney reported that the IGG forced these premature prosecutions because she was concerned about her pending reappointment. The current atmosphere in the IGG's office is so difficult that a senior attorney took 36 days of leave in the hope that the IGG would be replaced.

COMMENT

18. (SBU) Mwondha's reappointment means that Museveni and Amelia Kyambadde, the President's Principal Private Secretary, still find her useful for going after political enemies. Her extended tenure does not bode well for Uganda's fight against corruption. Her investigations and prosecutions are not resulting in convictions or sanctions against corrupt officials. More alarming is the exodus of talented and trained staff, which is weakening the IGG as an anti-corruption institution. Though outsiders believe that institution would have been better served with a new appointee, her reappointment may be an indication that Museveni is more interested in pursuing some public corruption cases while ignoring other blatant abuses of office and public procurements by helping his allies and weakening his enemies.

